

STATE OF SOUTH CAROLINA)
) IN THE COURT OF COMMON PLEAS
COUNTY OF MARLBORO)

Guess Farm Equipment Company, Inc., d/b/a) Civil Action No. 2011-CP-34-218
Guess Irrigation Company,)
)

Plaintiff,)
)

vs.)

ORDER OF JUDGMENT

Justice Family Farms, LLC, Catfish Bay,)
LLC, and Carter Bank & Trust,)
)

Defendants.)
_____)

This is a mechanic's lien foreclosure action concerning a tract of land that lies in Marlboro and Dillon counties. The Plaintiff filed foreclosure suits in both counties, with the Dillon County case currently captioned Guess Farm Equipment Company, Inc. d/b/a Guess Irrigation Company vs. Justice Family Farms, LLC and Catfish Bay, LLC, civil action number 2011-CP-17-0413. As the cases involved common issues of law and fact, there was no reason to litigate the common issues in two separate lawsuits. Consequently, at the parties' request, this action was stayed by Order of the Honorable Paul M. Burch entered on July 9, 2012. The parties agreed that the outcome of the Dillon County Lawsuit would control the outcome of this Marlboro County action.

The Dillon County Lawsuit was tried before a jury during the week of September 14, 2015. On September 18, 2015, the jury returned a verdict for the Plaintiff on the Plaintiff's breach of contract and mechanic's lien claims in the amount of One Hundred Forty-four Thousand Sixteen Dollars against the Defendants, Justice Family Farms, LLC and Catfish Bay, LLC. The jury also returned a verdict in favor of the Plaintiff on the counterclaims of Justice

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Family Farms, LLC. The verdict was entered as a judgment in Dillon County on September 28, 2015. A copy of the Judgment is attached to this Order as Exhibit 1 and incorporated by reference.

The Plaintiff's Motion for an Award of Attorney's Fees, Costs, and Litigation Expenses was heard on October 13, 2015. By Order entered on November 9, 2015 in the Dillon County Lawsuit, the Plaintiff was awarded pre-judgment interest of Fifty-one Thousand, Twenty-seven and 04/100 (\$51,027.04) Dollars and attorney's fees, costs and litigation expenses of Four Hundred Fifty-one Thousand, Six Hundred Twenty-seven and 51/100 (\$451,627.51) Dollars. A copy of that Order is attached as Exhibit 2 and incorporated by reference.

Per the Consent Order entered on July 9, 2012, the judgment entered in the Dillon County Lawsuit is to be entered in this action.

IT IS, THEREFORE, ORDERED that judgment be entered in favor of the Plaintiff, Guess Farm Equipment Company, Inc., d/b/a Guess Irrigation Company, and against the Defendant, Justice Family Farms, LLC, in the total sum of Six Hundred Forty-six Thousand, Six Hundred Seventy and 55/100 Dollars (\$646,670.55). This amount represents the jury's verdict of \$144,016.00, a total attorney's fee award of \$451,627.51, and an award of prejudgment interest of \$51,027.04.

IT IS FURTHER ORDERED that of this total judgment amount, the sum of Two Hundred Eighty-eight Thousand, Thirty-two Dollars (\$288,032.00) be entered as a judgment on the Plaintiff's mechanic's lien claim against Justice Family Farms, LLC and Catfish Bay, LLC to secure the payment of the debt due the Plaintiff. This lien is enforceable against the real property identified in the lien as being owned by the Defendant, Catfish Bay, LLC. This

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the total lien amount awarded by the jury's verdict plus the maximum amount of attorney's fees, costs, and litigation expenses recoverable under S. C. Code § 29-5-10.

IT IS FURTHER ORDERED that the entry of this Order and the Judgment in the Dillon County Lawsuit represent a single right of recovery and thus shall not be construed as permitting the Plaintiff a double recovery.

IT IS FURTHER ORDERED that the property identified in the Plaintiff's mechanic's lien be sold to satisfy the Plaintiff's mechanic's lien, the sale to be made by such officer as may be authorized by law to make sales of property.

IT IS SO ORDERED.



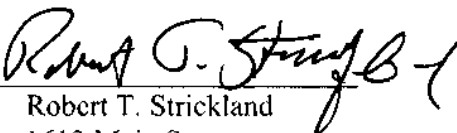
Michael G. Nettles
Presiding Judge

January 29, 2016

Florence, South Carolina

WE CONSENT:

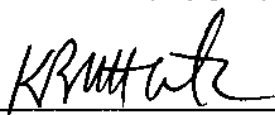
**BARNES, ALFORD, STORK
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Attorneys for the Plaintiff

**Defendants agree to this disposition
preserving all rights of appeal for both
the Dillon County and Marlboro County
litigation**

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